

Date of decision: January 18,1996

For Approval and Signature:

The Hon'ble Mr.Justice N.J.Pandya

The Hon'ble Mr.Justice A.R.Dave

1. Whether Reporters of Local Papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India..

thereunder?

5. Whether it is to be circulated to the Civil Judge?

Mr.M.R.Anand, LGP with Mr.L.R.Pujari, LAGP for the appellants.

Mr.A.J.Patel, LA for the respondents

Coram: N.J.Pandya & A.R.Dave,JJ.

January 18,1996

ORAL JUDGMENT (Per N.J.Pandya,J.)

Admit. With the consent of the parties these appeals are taken up for final hearing.

2. Very little is required to be done in these appeals because our learned colleagues (R.K.Abichandani &

Rajesh Balia, JJ.), while dealing with first appeals No.1983 of 1992 and other associated matters had on 14-9-1994 given a decision as to the market rate.

3. There also, acquisition started by issuance of Notification under Sec.4 on 7-7-1983 as in the instant cases. The Land Acquisition Officer awarded Rs.20/- to Rs.24/- per square metre and with a request to get it enhanced, Reference was made where the Reference Court had granted different price for different categories of land in the range of Rs.104/- per square metre to Rs.174/- per square metre. The learned Judges after hearing both the sides in an elaborate and exhaustive judgment have come to the conclusion that the correct market price would be Rs.50/- per square metre. This would mean that, instead of categorising the land into different groups, the learned Judges have found that it is a case where compensation at flat rate can be given namely Rs.50/- per square metre. Same situation being available here and the purpose of the acquisition and the village involved being also the same, we will follow the aforesaid decision and accordingly hold that the appeals are to be allowed and claimants are to be awarded compensation at the rate of Rs.50/- per square metre. the appeals are allowed. The claimants are awarded Rs.50/per square metre with consequential effect on solatium, interest etc. Rest of the order of the trial Court will remain as it is. The appellants are directed to deposit the amount within a period of six weeks from today. Direct service is permitted.
